

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Barbara J. Zuelly v. Family Dollar Stores of Indiana, LLC

Case Number	62C01-2101-CT-000029
Court	Perry Circuit Court
Type	CT - Civil Tort
Filed	01/28/2021
Status	01/28/2021 , Pending (active)

Parties to the Case

Defendant Family Dollar Stores of Indiana, LLC

Address

500 Volvo Parkway
Chesapeake, VA 23320

Plaintiff Zuelly, Barbara J.

Attorney

Brandon Eugene Hall
#3133153, Retained

Greene & Schultz
520 N. Walnut Street
Bloomington, IN 47404
812-336-4357(W)

Chronological Case Summary

01/28/2021	Case Opened as a New Filing
01/29/2021	Complaint/Equivalent Pleading Filed Complaint for Damages Filed By: Zuelly, Barbara J. File Stamp: 01/28/2021
01/29/2021	Appearance Filed Appearance For Party: Zuelly, Barbara J. File Stamp: 01/28/2021
01/29/2021	Subpoena/Summons Filed Summons Filed By: Zuelly, Barbara J. File Stamp: 01/28/2021
02/03/2021	Appearance Filed Appearance of Anthony M. Eleftheri and Melanie A. Kalmbach For Party: Family Dollar Stores of Indiana, LLC File Stamp: 02/03/2021

02/03/2021 **Motion for Enlargement of Time Filed**
 Motion for Enlargement of Time
 Filed By: Family Dollar Stores of Indiana, LLC
 File Stamp: 02/03/2021

02/03/2021 **Order Issued**
 Order Granting Motion for Enlargement of Time.
 Judicial Officer: Werner, Karen - MAG
 Movant: Hall, Brandon Eugene
 Order Signed: 02/03/2021

02/04/2021 **Automated Paper Notice Issued to Parties**
 Order Issued ---- 2/3/2021 : Family Dollar Stores of Indiana, LLC

02/04/2021 **Automated ENotice Issued to Parties**
 Order Issued ---- 2/3/2021 : Brandon Eugene Hall

02/05/2021 **Notice Filed**
 Notice of Perfection of Service
 Filed By: Zuelly, Barbara J.
 File Stamp: 02/05/2021

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Zuelly, Barbara J.

Plaintiff

Balance Due (as of 02/22/2021)

0.00

Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

Transaction Summary

Date	Description	Amount
01/29/2021	Transaction Assessment	157.00
01/29/2021	Electronic Payment	(157.00)

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STATE OF INDIANA)
) SS:
COUNTY OF PERRY)
) CAUSE NO. 62____-2101-CT-_____

BARBARA J. ZUELLY

vs

FAMILY DOLLAR STORES OF INDIANA, LLP

COMPLAINT FOR DAMAGES

Comes now the plaintiff, Barbara J. Zuelly, by counsel, Brandon E. Hall, and her for cause of action against the defendant, Family Dollar Stores of Indiana, LLC, alleges and says:

1. On March 7, 2019, the plaintiff, Barbara J. Zuelly, was shopping at the Family Dollar Store located at 1510 9th Street in Tell City, Indiana as an invitee of the Family Dollar Store.

2. The plaintiff, Barbara J. Zuelly, while exercising due care and caution for her own safety, was walking in an aisle near the cleaning products and laundry detergent when she slipped and fell on a liquid substance on the floor.

3. Said incident occurred within the boundaries of Perry County, State of Indiana.

4. It was the duty of the defendant, Family Dollar Stores of Indiana, LLC, to use ordinary care and diligence to keep and maintain the areas commonly used by patrons in a condition reasonably safe for its intended uses and free from all defects and conditions which would render the floors dangerous and unsafe for plaintiff, or present an unreasonable risk of harm to plaintiff in her lawful use of same.

5. It was the duty of the defendant to exercise reasonable care to protect the plaintiff, by inspection and other affirmative acts, from the foreseeable danger of permitting liquid to remain on the floor plaintiff fell.

6. It was the duty of the defendant to have available sufficient personnel and equipment to properly inspect and maintain the floor where plaintiff fell in a condition reasonably safe for plaintiff and free from defects and conditions rendering the floor unsafe.

7. It was the duty of the defendant to warn plaintiff of the dangerous and unsafe condition existing on the floor in the common areas frequented by patrons.

8. The defendant knew or should have known of the unreasonable risk of danger to the plaintiff, but failed either to discover it or to correct it after discovery.

9. The plaintiff's fall and resultant serious injuries were caused by the negligence of the defendant, Family Dollar Stores of Indiana, LLC, who failed to utilize reasonable care in the inspection and maintenance of the floor where plaintiff fell, particularly in allowing fluid to remain on the floor in the common area used by patrons.

10. The plaintiff, Barbara J. Zuelly, received serious and permanent injuries as a result of the defendant, Family Dollar Stores of Indiana, LLC's negligence.

11. The plaintiff, Barbara J. Zuelly, has incurred medical expenses and other special expenses in an amount to be proven at the trial of this cause, and will incur future medical expenses and other special expenses, as a direct and proximate result of defendant, Family Dollar Stores of Indiana, LLC's negligence.

WHEREFORE, the plaintiff, Barbara J. Zuelly, demands judgment against the defendant, Family Dollar Stores of Indiana, LLC, for her serious and permanent injuries in a reasonable amount to be determined at the trial of this cause, for medical expenses, and other special expenses, for future medical expenses and other special expenses, court costs and all other proper relief in the premises.

GREENE & SCHULTZ

By: /s/ Brandon E. Hall
Brandon E. Hall, #31331-53
Attorney for Plaintiff

GREENE & SCHULTZ
520 N. WALNUT STREET
BLOOMINGTON, IN 47404
TELEPHONE: (812) 336-4357
FACSIMILE: (812) 336-5615

DEMAND FOR JURY TRIAL

Comes now the plaintiff, Barbara J. Zuelly, by counsel, Brandon E. Hall, and hereby demands that the Court schedule this matter for a jury trial.

/s/ Brandon E. Hall
Brandon E. Hall

GREENE & SCHULTZ
520 N. WALNUT STREET
BLOOMINGTON, IN 47404
TELEPHONE: (812) 336-4357
FACSIMILE: (812) 336-5615

STATE OF INDIANA) IN THE PERRY _____ COURT
) SS:
COUNTY OF PERRY) CAUSE NO. 62____-2101-CT-_____

BARBARA J. ZUELLY

VS

FAMILY DOLLAR STORES OF INDIANA, LLP

E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE

This Appearance Form must be filed on behalf of every party in a civil case.

1. The party on whose behalf this form is being filed is:

Initiating √ Responding _____ Intervening _____; and

The undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of party: BARBARA J. ZUELLY

Address of party (see *Question #5 below if this case involves a protection from abuse order, a workplace violence restraining order or a no-contact order*)

Telephone number of party: _____

(List on a continuation page additional parties this attorney represents in this case.)

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name: Brandon E. Hall Attorney No.: 31331-53

Address: Greene & Schultz, 520 N. Walnut Street, Bloomington, IN 47404

Phone: (812) 336-4357

FAX: (812) 336-5615

Email Address: Brandon@greeneschultz.com

IMPORTANT: Each attorney specified on this Appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) acknowledges that all orders, opinions and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and,
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

3. This is a **CT** case type as defined in administrative Rule 8(B)(3).

4. This case involves child support issues. Yes _____ No ✓

5. This case involves a protection from abuse order, a workplace violence restraining order or a no-contact order. Yes _____ No ✓

This case involves a petition for involuntary commitment. Yes _____ No ✓

6. There are related cases: Yes _____ No ✓ (If yes, list on continuation page.)

7. Additional information required by local rule:
N/A

8. There are other party members: Yes _____ No ✓ (If yes, list on continuation page.)

9. This form has been served on all other parties and Certificate of Service is attached:
Yes ✓ No _____

Respectfully submitted:
GREENE & SCHULTZ

By: /s/ Brandon E. Hall
Brandon E. Hall, 31331-53
Attorney for Plaintiff

GREENE & SCHULTZ
520 N WALNUT ST
BLOOMINGTON, IN 47404
(812) 336-4357

CIRCUIT COURT FOR PERRY COUNTY OF PERRY
STATE OF INDIANA
COURTHOUSE SQUARE, 2219 PAYNE STREET
TELL CITY, IN 47586

BARBARA J. ZUELLY,
Plaintiff(s)

VS

CAUSE NO. 62C01-2101-CT-_____

FAMILY DOLLAR STORES OF INDIANA, LLP
Defendant(s)

SUMMONS

The State of Indiana to Defendant: **Family Dollar Stores of Indiana, LLC c/o Corporation Service Company
135 N. Pennsylvania Street, Suite 1610, Indianapolis, IN, 46204**

You have been sued by the person(s) named "plaintiff" in the court states above.

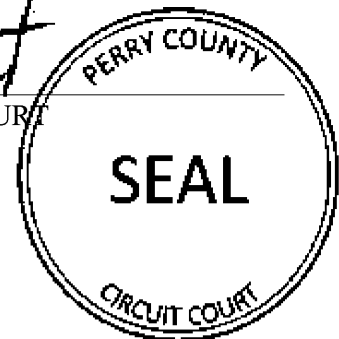
The nature of the suit against you is stated in the complaint which is attached to this document. It also states the demand which the plaintiff has made and wants from you.

You must answer the complaint in writing, by you or your attorney, within Twenty (20) days, commencing the day after you receive this summons, or judgment will be entered against you for what the plaintiff has demanded. You have twenty-three (23) days to answer if this Summons was received by mail. **Such Answer Must Be Made In Court.**

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Date: 1/29/2021

Rachel East
CLERK, PERRY CIRCUIT COURT



GREENE & SCHULTZ
520 N. WALNUT STREET
BLOOMINGTON, IN 47404
TELEPHONE: (812) 336-4357

ACKNOWLEDGMENT OF SERVICE OF SUMMONS

A copy of the above summons and a copy of the complaint attached thereto were received by me at _____ this ____ day of _____, 2021..

SIGNATURE OF DEFENDANT

PRAECIPE: I designate the following mode of service be used by the Clerk.

- ☒ By certified or registered mail with return receipt to above address.
- ☐ By Sheriff delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of above with some person of suitable age and discretion residing therein.
- ☐ By _____ delivering a copy of the summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode.
- ☐ By serving his agent as provided by rule, statute or valid agreement, to-wit:

GREENE & SCHULTZ

/s/ Brandon E. Hall
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING: I certify that on the _____ day of _____, 20____, I mailed a copy of this summons and a copy of the complaint to each of the defendant(s) by (registered or certified) mail requesting a return receipt signed by the addressee only addressed to each of said defendant(s) at the address(es) furnished by plaintiff.

Dated this _____ day of _____, 20____.

CLERK, PERRY CIRCUIT COURT

RETURN OF SERVICE OF SUMMONS BY MAIL: I hereby certify that service of summons with return receipt requested was mailed on the _____ day of _____, 20____, and that a copy of the return of receipt was received by me on the _____ day of _____, 20____, which copy is attached herewith.

CLERK, PERRY CIRCUIT COURT

CERTIFICATE OF CLERK OF SUMMONS NOT ACCEPT BY MAIL.: I hereby certify that on the ____ day of _____, 20____, I mailed a copy of this summons and a copy of the complaint to the defendant(s) by (registered or certified) mail, and the same was returned without acceptance this _____ day of _____, 20____, and I did deliver said summons and a copy of the complaint to the Sheriff of Perry County, Indiana.

Dated this _____ day of _____, 20____.

CLERK, PERRY CIRCUIT COURT

Dated this _____ day of _____, 20____.

CLERK, PERRY CIRCUIT COURT

RETURN OF SUMMONS: This summons came to hand on the ____ day of _____, 20____, and I served the same on the _____ day of _____, 20____.

1. By mailing a copy of the summons and complaint personally to _____ address _____.
2. By delivering a copy of the summons and complaint personally to _____.
3. By delivering a copy of the summons and complaint at _____ the dwelling house or unusual place of abode of defendant: _____ (Name of Person) and by mailing by first class mail a copy of the summons on the ____ day of _____, 20____, to _____ to his last known address.
4. By serving his agent as provided by rule, statute or valid agreement, to-wit: _____.
5. Defendant cannot be found in my bailiwick and summons was not served.

And I now return this writ this _____ day of _____, 20____.

SHERIFF or DEPUTY

RETURN ON SERVICE OF SUMMONS: I hereby certify that I have served the within summons:

1. By delivery on the _____ day of _____, 20____ a copy of this summons and a copy of the complaint to each of the within named defendant(s) _____.
2. By leaving on the _____ day of _____, 20____ for each of the within named defendant(s) _____, a copy of the summons and a copy of the complaint at the respective dwelling house or usual place of abode with _____ a person of suitable age and discretion residing therein whose usual duties or activities include prompt communication of such information to the person served.
3. _____ and by mailing a copy of the summons without the complaint to _____ at _____ The last known address of defendant(s).

All done in Perry County, Indiana.

Fees: \$ _____

SHERIFF or DEPUTY

PERRY COUNTY CIRCUIT COURT
 STATE OF INDIANA

BARBARA J. ZUELLY,)
)
 Plaintiff)
)
 v.) CAUSE NO.: 62C01-2101-CT-000029
)
 FAMILY DOLLAR STORES OF)
 INDIANA, LLP)
)
 Defendant.)

APPEARANCE BY ATTORNEY IN CIVIL CASE

Party Classification: Initiating Responding ☒ Intervening

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s):

FAMILY DOLLAR STORES OF INDIANA, LLC (improperly identified as Family Dollar Stores of Indiana, LLP)

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Name: Anthony M. Eleftheri (#19336-49)
 Melanie A. Kalmbach (#34800-49)
 Address: Drewry Simmons Vornehm, LLP
 736 Hanover Place, Suite 200
 Carmel, Indiana 46032
 Phone: (317) 580-4848
 Fax: (317) 580-4855
 E-Mail: aeleftheri@DSVlaw.com
mkalmbach@DSVlaw.com

3. There are other party members: Yes No ☒ (If yes, list on continuation page.)
4. If first initiating party filing this case, the Clerk is requested to assign this case the following. Case Type under Administrative Rule 8(b)(3): ____
5. I will accept service by fax at the above noted number: Yes ☒ No
6. This case involves support issues. Yes No ☒ (If yes, supply social security numbers for all family members on continuation page.)

7. There are related cases: Yes No X (If yes, list on continuation page.)
8. This form has been served on all other parties; Certificate of Service is attached:
Yes X No Not Applicable
9. Additional information required by local rule: N/A

DREWRY SIMMONS VORNEHM, LLP

/s/ Anthony M. Eleftheri

ANTHONY M. ELEFOTHERI, #19336-49

MELANIE A. KALMBACH, #34800-49

Counsel for Family Dollar Stores of Indiana, LLC

Drewry Simmons Vornehm, LLP
736 Hanover Place, Suite 200
Carmel, IN 46032
(317) 580-4848
(317) 580-4855 Facsimile
aeleftheri@DSVlaw.com
mkalmbach@DSVlaw.com

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to Rule 86(G) of the Indiana Rules of Trial Procedure, a copy of the foregoing has been served either via E-Service through the Indiana E-Filing System, or by first class United States mail, postage prepaid, this 3rd day of February 2021, to:

Brandon E. Hall
GREENE & SCHULTZ
520 North Walnut Street
Bloomington, Indiana 47404
Counsel for Plaintiff

/s/ Anthony M. Eleftheri

ANTHONY M. ELEFThERI, #19336-49
MELANIE A. KALMBACH, #34800-49

PERRY COUNTY CIRCUIT COURT
STATE OF INDIANA

BARBARA J. ZUELLY,)	
)	
Plaintiff)	
)	
v.)	CAUSE NO.: 62C01-2101-CT-000029
)	
FAMILY DOLLAR STORES OF)	
INDIANA, LLP)	
)	
Defendant.)	

**FAMILY DOLLAR SERVICES, LLC'S MOTION FOR ENLARGEMENT
OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT**

Comes now Defendant Family Dollar Services, LLC (improperly identified as Family Dollar Stores of Indiana, LLP), by counsel, and respectfully petitions the Court for a 30-day enlargement of time up to and including March 27, 2021 to Answer or otherwise respond to Plaintiff's Complaint and in support states:

1. Plaintiff Barbara Zuelly filed her Complaint for Damages on or about January 28, 2021.
2. Defendant Family Dollar Services, LLC was served on February 2, 2021 via Certified Mail.
3. An Answer or responsive pleading is due on or before February 25, 2021.
4. Defendant respectfully petitions the Court for a 30-day enlargement of time, up to and including March 27, 2021 to Answer or otherwise respond to Plaintiff's Complaint. Additional time is necessary to allow the undersigned an opportunity to conduct an investigation, meet with his client and otherwise prepare an appropriate answer or response.
5. This Motion is not made for purposes for vexation or delay.

WHEREFORE, Defendant Family Dollar Stores of Indiana, LLC, by counsel, prays for a 30-day enlargement of time, up to and including March 27, 2021 to Answer or otherwise respond to Plaintiff's Complaint and for all other relief proper in the premises.

DREWRY SIMMONS VORNEHM, LLP

/s/ Anthony M. Eleftheri

ANTHONY M. ELEFOTHERI, #19336-49

MELANIE A. KALMBACH (#34800-49)

Counsel for Family Dollar Stores of Indiana, LLC

Drewry Simmons Vornehm, LLP
736 Hanover Place, Suite 200
Carmel, IN 46032
(317) 580-4848
(317) 580-4855 Facsimile
aeleftheri@DSVlaw.com
mkalmbach@DSVlaw.com

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to Rule 86(G) of the Indiana Rules of Trial Procedure, a copy of the foregoing has been served either via E-Service through the Indiana E-Filing System, or by first class United States mail, postage prepaid, this 3rd day of February 2021, to:

Brandon E. Hall
GREENE & SCHULTZ
520 North Walnut Street
Bloomington, Indiana 47404
Counsel for Plaintiff

/s/ Anthony M. Eleftheri

ANTHONY M. ELEFThERI, #19336-49
MELANIE A. KALMBACH , #34800-49

PERRY COUNTY CIRCUIT COURT
STATE OF INDIANA

BARBARA J. ZUELLY,

Plaintiff

v.

FAMILY DOLLAR STORES OF
INDIANA, LLP

Defendant.

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)
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)
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)

CAUSE NO.: 62C01-2101-CT-000029

**ORDER GRANTING FAMILY DOLLAR STORES OF INDIANA, LLC'S MOTION
FOR ENLARGEMENT OF TIME**

Comes now Defendant Family Dollar Stores of Indiana, LLC (improperly identified as Family Dollar Stores of Indiana, LLP), by counsel, and files its Motion for Enlargement of Time to respond to Plaintiff's Complaint. And the Court, being duly advised, now GRANTS said Motion.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendant be and hereby is granted an enlargement of time, up to and including March 27, 2021 to Answer or otherwise respond to Plaintiff's Complaint.

DATE: February 3, 2021



JUDGE LUCY M. GOFFINET

COPIES TO:

Brandon E. Hall
GREENE & SCHULTZ
520 North Walnut Street
Bloomington, Indiana 47404
Counsel for Plaintiff

Anthony M. Eleftheri
Melanie A. Kalmbach
Drewry Simmons Vornehm, LLP
736 Hanover Place, Suite 200
Carmel, IN 46032
*Counsel for Defendant Family Dollar Stores of
Indiana, LLC*

STATE OF INDIANA)
) SS:
COUNTY OF PERRY) CAUSE NO. 62C01-2101-CT-000029

BARBARA J. ZUELLY

vs

FAMILY DOLLAR STORES OF INDIANA, LLP

NOTICE OF PERFECTION OF SERVICE

Comes now Brandon E. Hall, counsel for the plaintiff, and hereby affirms that Plaintiff has perfected service of the following documents on the following party as indicated below:

Documents:	Summons Complaint for Damages Appearance by Attorney in a Civil Case
Party Served: Address:	Family Dollar Stores of Indiana, LLC c/o Corporation Service Company, 135 N. Pennsylvania Street, Suite 1610, Indianapolis, IN 46204
Service Method:	Certified Mail, Return Receipt Requested
Tracking Number:	7019 1640 0002 1396 7967
Date Service Perfected:	February 2, 2021 (See copy of Return Receipt attached hereto as Exhibit A)

Respectfully submitted,
GREENE & SCHULTZ

By: /s/ Brandon E. Hall
Brandon E. Hall, 31331-53
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing document using the Indiana E-Filing System (IEFS) and that the foregoing document was served upon the following person(s) using the service contact entered in the IEFS via IEFS or by First Class Mail on February 5, 2021:

Anthony M. Eleftheri
Drewry Simmons Vornehm, LLP
aeleftheri@DSVlaw.com

Melanie A. Kalmbach
Drewry Simmons Vornehm, LLP
mkalmbach@DSVlaw.com

/s/ Brandon E. Hall

Brandon E. Hall

GREENE & SCHULTZ
520 N WALNUT ST
BLOOMINGTON, IN 47404
(812) 336-4357

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature</p> <p>X <i>m</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Family Dollar Stores of Indiana, LLC c/o Corporation Service Company 135 N. Pennsylvania St., Ste 1610 Indianapolis IN 46204-2448</p>		<p>B. Received by (Printed Name) <i>Mary Coleman</i> C. Date of Delivery</p>	
<p>2. Article Number (Transfer from service label)</p> <p><i>Zuella</i></p> <p>7019 1640 0002 1396 7967</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Mail Restricted Delivery (00)</p>		<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>	